ORDINANCE NO. 2011–3726

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING PART II: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF MIAMI BEACH COMPREHENSIVE PLAN, POLICY 1.2 OF OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS OF THE FUTURE LAND USE ELEMENT, BY ADDING NEW CATEGORIES "TOWN CENTER CORE" (TC-1); "TOWN CENTER MIXED USE" (TC-2); AND "TOWN CENTER RESIDENTIAL OFFICE" (TC-3); AND ACCOMPANYING STANDARDS FOR LAND DEVELOPMENT REGULATIONS; AND AUTHORIZING AND DIRECTING THE CITY ADMINISTRATION TO SUBMIT THE ADOPTED AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND ANY OTHER REQUIRED STATE AND LOCAL AGENCIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Miami Beach Mayor and City Commission adopted the North Beach Town Center Plan by Resolution No. 2007-26600 on July 11, 2007 in order to provide comprehensive guidance for private and public sector initiatives toward redevelopment and revitalization in the area bounded by 73 Street, the Atlantic Ocean, 69 Street, and Indian Creek Waterway; and

WHEREAS, the North Beach Town Center will be guided by the Comprehensive Plan as amended in order to achieve the vision set forth in the North Beach Town Center Plan; and

WHEREAS, amending the text of the City of Miami Beach Comprehensive Plan as provided herein is necessary to ensure that development of the North Beach Town Center will be compatible with development in adjacent and surrounding areas, and will contribute to the health and general welfare of the City; and

WHEREAS, the North Beach Town Center districts are intended to:

- 1. Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and attractive residential living environments with compatible office uses and neighborhood-oriented commercial services.
- 2. Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors and residents.

- 3. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses.
- 4. Provide opportunities for live/work lifestyles and increase the availability of affordable office space in the North Beach area.
- 5. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.
- 6. Create a place that represents a unique, attractive and memorable destination for residents and visitors.
- 7. Enhance the community's character through the promotion of high-quality urban design.

WHEREAS, the TC-1 district is intended to encourage and enhance the high-intensity commercial employment center function of the Town Center's core area and its regulations are intended to support the Town Center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment while also accommodating mixed-use and residential projects as important components of the area's vitality; and

WHEREAS, the TC-2 district is intended to support medium intensity mixed-use (residential/nonresidential) projects with active retail ground floor uses; and

WHEREAS, the TC-3 district is intended to accommodate low density multifamily residential development and low intensity office and tourist lodging uses, and also accommodating small-scale ground floor neighborhood commercial uses that are compatible with the residential character of the TC-3 district.

WHEREAS, the City Commission hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City; and

WHEREAS, the City Commission, upon first reading of this Ordinance, authorized its transmittal to the Department of Community Affairs and review agencies for the purpose of a review in accordance with Section 163.31 84, Florida Statutes; and

WHEREAS, the Florida Department of Community Affairs completed its review of the proposed North Beach Town Center land use amendments for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes and prepared the Objections, Recommendations and Comments Report (ORC) identifying certain objections to the proposed amendments; and

WHEREAS, the Administration reviewed the Objections and made adjustments to the language of the proposed amendments in order to respond and comply with the Objections listed in the ORC Report; and

WHEREAS, the City Commission of the City of Miami Beach, upon second reading public hearing is in agreement with the changes made to the proposed amendments and adopts such amendments to the City's Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. AMENDMENTS TO THE CITY OF MIAMI BEACH COMPREHENSIVE PLAN.

That Policy 1.2 of Objective 1, Land Development Regulations of the Future Land Use Element of the City of Miami Beach Comprehensive Plan is hereby modified as follows:

PART II: GOALS, OBJECTIVES AND POLICIES

FUTURE LAND USE ELEMENT

GOAL:

Ensure that the character and location of land uses maximize the potential for economic benefit and the enjoyment of natural and man-made resources by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS

Future growth and development, redevelopment and rehabilitation will be managed through the preparation, adoption, implementation and enforcement of land development regulations.

Policy 1.2

The land development regulations which implement this Comprehensive Plan shall, at a minimum, be based on and be consistent with S. 163.3202, F.S. and shall further be based on the following standards for land use category, and land use intensity:

Town Center Core Category (TC-1)

Purpose: To encourage and enhance the high-intensity commercial employment center function of the Town Center's core area, as well as, support the Town Center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment.

<u>Uses which may be Permitted: Various types of commercial uses including, business and professional offices, retail sales and service establishments, eating and drinking establishments; and apartment residential uses; apartment hotels; and hotels.</u>

Other uses which may be permitted are accessory uses that are incidental to and customarily associated with the main permitted uses such as accessory outdoor bar counter, sidewalk café, storage of supplies normally used in connection with a permitted use, off-street parking and loading, and other similar accessory uses.

The conditional uses which may be permitted are public and private institutions such as adult congregate living facilities, nursing homes, religious uses, schools, day care, museums, theaters, cultural and similar uses; parking lots and garages; commercial uses of an impact or intensity deemed to require additional review such as outdoor entertainment establishment, neighborhood impact establishment, open air entertainment establishment; and video arcades.

Density Limits: 150 dwelling units per acre;

Intensity Limits: a floor area ratio of 2.25 on lot area equal to or less than 45,000 sq. ft. and a floor area ratio of 2.75 on lot area greater than 45,000 sq. ft.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.75.

Town Center Commercial Category (TC-2)

Purpose: To provide support for medium intensity mixed-use (residential/nonresidential) projects with active retail ground floor uses.

Uses which may be Permitted: Various types of commercial uses including, business and professional offices, retail sales and service establishments, eating and drinking establishments, apartment residential uses, hotels, and apartment hotels.

Other uses which may be permitted are accessory uses that are incidental to and customarily associated with the main permitted uses such as accessory outdoor bar

counter, sidewalk café, storage of supplies normally used in connection with a permitted use, off-street parking and loading, and other similar accessory uses.

The conditional uses which may be permitted are public and private institutions such as adult congregate living facilities, nursing homes, religious uses, schools, day care, museums, theaters, cultural and similar uses; parking lots and garages; commercial uses of an impact or intensity deemed to require additional review such as outdoor entertainment establishment, neighborhood impact establishment, open air entertainment establishment; and video arcades.

Density Limits: 100 dwelling units per acre

Intensity Limits: a floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 2.0.

Town Center Residential Office (TC-3)

Purpose: To provide a transition between the high intensity Town Center Core and the surrounding low intensity residential multi-family districts, by providing for contextually compatible residential and mixed-use development within an established, pedestrian, bicycle and transit oriented residential environment. Office and tourist lodging facilities are intended to provide a variety of employment opportunities to support the local economy and to reduce the need for long distance home to work vehicle trips. Neighborhood oriented retail and service uses are intended to provide opportunities for small business development and to enliven the pedestrian environment.

Uses which may be permitted: Existing single family detached dwellings; single family attached dwellings, townhouse dwellings, multiple family dwellings, offices, hotels, and neighborhood retail and services.

Other uses which may be permitted are accessory uses that are incidental to and customarily associated with the main permitted uses such as a dining room, health club or other services solely for use of the occupants of an apartment building, accessory restaurants, bars and services in a hotel, sidewalk café, storage of supplies normally used in connection with a permitted use, off-street parking and loading, and other similar accessory uses.

The conditional uses which may be permitted are public and private institutions such as adult congregate living facilities, nursing homes, religious uses, schools, day care and similar institutional uses, hotels, parking lots and garages, and neighborhood-oriented retail and personal service uses.

Density Limits: 60 dwelling units per acre.

Intensity Limits: a floor area ratio of 1.25

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 1.25.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. INCLUSION IN COMPREHENSIVE PLAN

It is the intention of the City Commission, and it is hereby ordained that Section 1 is made part of the City of Miami Beach Comprehensive plan, as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. EFFECTIVE DATE.

CITY CLERK

This Ordina	ance shall take				, 20 <u>11</u> ; howeve
the effective Florida Stat	e date of any pl utes.	an amendment	shall be in acc	cordance with S	ection 163.3184
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PASSED a	nd ADOPTED th	is <u>rith</u> day of	мау	, 2011.	
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ATTEST:		MANAGER	BE		WIATOR
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Comp Plan Text Amendment 2nd Reading

APPROVED AS TO FORM AND LANGUAGE

& FOR EXECUTION

First Reading: September 15, 2010 Second Reading: May 11, 2011

Verified by:

Richard Lorber, AICP, LEED

Planning Director

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